

Office of Surface Mining and Reclamation



Katherine L. Henry,
Acting Director
Peter M. DuFore,
Bureau Editor

'98 Budget Adds \$1 Million For Clean Streams Initiative

OSM's budget request of \$271,057,000 for fiscal year 1998 includes an additional \$1 million for the Appalachian Clean Streams Initiative to clean up streams polluted by acid mine drainage. The increase would bring total FY98 funding for the initiative to \$5 million.

The budget request includes \$93,709,000 for the regulation & Technology account (\$1 million less than the FY 1997 enacted level), as well as \$77,348,000 for the Abandoned Mine Lands account (\$263,000 more than the 1997 enacted level).

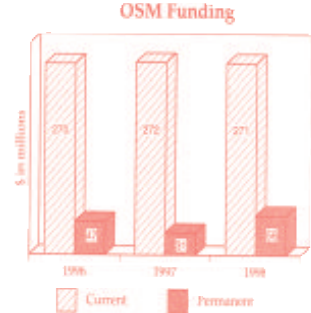
While OSM's FY98 budget of \$271,057,000 reflects a slight decrease (down \$700,000) from the FY97 enacted level, the overall amount will enable OSM to fully fund 24 state regulatory programs as well as provide ample funding for the abandoned mine reclamation programs administered by 23 states and three Indian tribes.

The budget request will also enable OSM to continue administering federal regulatory and reclamation programs such as those in states that do not operate their own surface mining programs, and on federal lands, and Indian lands.

Regulatory program grants to states are budgeted at \$50.2 million in the FY98 request, slightly below the FY97 level. OSM matches dollar for dollar the funds at states use to operate programs for issuing coal mine permits, inspecting surface mines, enforcing environmental standards, and assuring reclamation of coal mines.

State and tribal Abandoned Mine Lands reclamation grants are budgeted at \$142.3 million in the request, a slight increase above the FY97 level. Through these grants, OSM pays 100 percent of the costs for reclaiming abandoned coal mine lands that were left unreclaimed or inadequately reclaimed before the 1977 enactment of the Reclamation Act. The Abandoned Mine Lands program is funded by production fees of 35 cents per ton of surface mined coal, 15 cents per ton of coal mined underground, and 10 cents per ton of peatite, which OSM collects from coal producers.

On the 20th Anniversary of the enactment of the Surface Mining Control and Reclamation Act, we will be marking this year, noted Acting Director **Kathrine Henry**. "OSM, the coal states, and the coal source tribes can be justly proud of our efforts over the past 20 years to ensure that coal field citizens and the environment are protected during all mining operations and that mined lands are reclaimed," she said.



More Teamwork Winners

The first-ever OSM Employee Recognition 1996 Team Award went to five OSM groups, as reported in the previous edition of People, Land, and Water. At right and below are two more of the winning groups. The awards recognize the teams' integrity, responsibility, and leadership in carrying out their responsibilities.



The Appalachian Clean Streams Initiative Team of West Virginia. Above, from left, Greg Adolfsen, Coordinator for the West Virginia Governor's Stream Restoration Program (West Virginia Division of Environmental Protection—Abandoned Mine Lands and Reclamation); Rick Buckley, Clean Streams Coordinator in OSM's Charleston Field Office; Dave Bassage, Executive Director, Friends of the Cheat; and John Faltis, President of Anker Energy.

The Indiana Inspection Issue Resolution Team. At left, from left, Ken Foit, Charles Weibaker, Kevin Geier, Larry Greene, Brad Loveless, Charles Taylor. Unavailable for the photograph were team members Mike Kalagian and Tim Tate.

Clean Streams Video

A Shared Commitment: The Clean Streams Initiative, a video produced by OSM's Office of Communications, is being distributed nationwide. The 15-minute video introduces and explains the Initiative to coalfield citizens and reaches out to interested groups at all levels. The video was filmed and edited by **Lori Windle** of OSM's Western Coordinating Center in Denver, Colorado.

After an on-screen introduction by Secretary Babbitt, the production features representatives from environmental groups, the coal industry, local watershed associations, and federal and state government agencies, who describe their commitment to the Clean Stream Initiative and invite others either to join ongoing efforts or start Clean Stream projects of their own.

"The Appalachian Clean Streams Initiative is an excellent example of how the Federal Government has joined with states, companies, local communities, and environmental and watershed groups, all working together toward the common goal of cleaning up thousands of miles of streams polluted by acid mine drainage," Acting Director Henry said. "This new video should help spread the word to even more coalfield people who may want to get involved."

For additional information about the Appalachian Clean Streams Initiative, or copies of the video, contact the OSM Office of Communications, 1951 Constitution Avenue, NW, Washington, DC, 20240. Telephone (202) 208-2565; Fax (202) 501-0549.

Water Protection Document on the Internet

A major OSM water resource protection document—designed to help operators maintain the proper hydrologic balance at surface coal mining sites nationwide—is now available for public review and comment via the Internet. OSM customers can access the document, Managing Hydrologic Information, A Resource for Development of Probable Hydrologic Consequences and Cumulative Hydrologic Impact Assessments, by setting Web browsers to <http://www.osmre.gov> and clicking on What's New.

The document is available for public comment in draft form until May 15. To comment on it, or for further information, contact Douglas Growitz, (202) 208-2634, (dgrowitz@osmre.gov). After May 15, OSM can decide whether or how to revise it. OSM will post all comments or summaries of comments received on the Internet, along with OSM's responses.

OSM Publishes Proposed Rules on Valid Existing Rights Claims

OSM has published in the Federal Register two proposed rules dealing with mining claims in specially protected areas—a proposed definition of Valid Existing Rights and a proposal clarifying that the prohibition against surface coal mining in specially protected areas does not apply to subsidence from underground coal mining.

The Surface Mining Control and Reclamation Act prohibits surface coal mining in National Parks and other specially protected areas, but the prohibition does not apply to people who have Valid Existing Rights. OSM is proposing this rulemaking to define Valid Existing Rights because the term is not defined in the Act.

OSM's proposed rule would require that to establish Valid Existing Rights to do surface coal mining operations where otherwise prohibited by federal law, applicants would have to show that before the mining prohibition went into effect, they had made a good faith effort to obtain all required permits.

The proposed "good faith all permits" criterion was selected because it is objective, non-burdensome to administer, and consistent with the purpose of Section 522(e) in the Act—the section intended to prohibit surface coal mining on lands Congress designated for special protection. "Good faith all permits" is the Valid Existing Rights standard already in use by 15 of the 24 primacy states that operate their own Interior-approved programs for regulating surface coal mining operations. The closely related "all permits" standard is used in five other primacy states.

In addition to land in the National Park System, the proposed Valid Existing Rights definition applies to lands in the National Wildlife Refuge System, the National Trails System, the National Wilderness Preservation System, and the National Wild & Scenic Rivers system including study rivers designated by Act of Congress. It also applies to National Forest, and to certain buffer areas around public roads, occupied dwellings, public buildings, and cemeteries.

Comments on the proposals should be sent to the OSM Administrative Record, 1951 Constitution Avenue, NW, Washington, DC, 20240, by June 2, 1997. E-Mail comments should be sent to osmrules@osmre.gov. Public hearings will be held if requested by March 17, 1997. Contact Dennis Rice at (202) 208-2829.

Acting Director Kathrine K. Henry gratefully acknowledged the assistance of the U.S. Geological Survey, which played a major role in this project's Draft Economic Analysis and Draft Environmental Impact Statement. Dr. William D. Watson directed the efforts of several USGS employees on the analysis, and wrote the final report.